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NORTHERN CALIFORNIA RIVER WATCH
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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
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11 NORTHERN CALIFORNIA RIVER
WATCH, a non-profit corporation,

12 Plaintiff,

13 v.

14 BAY AREA DIABLO PETROLEUM
COMPANY dba GOLDEN GATE
15 PETROLEUM COMPANY and DOES
1-10, Inclusive,

16 Defendants
17 _____/

CASE NO. C08-01613 BZ

**PLAINTIFF'S SEPARATE CASE
MANAGEMENT STATEMENT AND
[PROPOSED] ORDER**

Date: March 23, 2009
Time: 4:00 p.m.
Cttrm: G, 15th Floor
Judge: Hon. Bernard Zimmerman

18 **I. STATUS OF THE PLEADINGS**

19 Defendant BAY AREA DIABLO PETROLEUM COMPANY dba GOLDEN GATE
20 PETROLEUM COMPANY ("Bay Area Diablo"), is admittedly represented by Mark S. Pollock, Esquire,
21 but has made no appearance in this matter to date and remains in default.

22 Plaintiff Northern California River Watch ("River Watch") therefore submits this separate further
23 Case Management Statement and Proposed Order.

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25 **II. STATUS OF THE CASE**

26 Subsequent to the filing of River Watch's prior Case Management Statement (Court Doc 33) the
27 parties through their respective counsel, have met and conferred and have been able to settle their
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disputes with respect to this action, the terms of settlement being incorporated into a final Settlement Agreement which is in the process of being circulated among the parties for execution at this time.

In view of the pending settlement, the parties request that the Case Management Conference now scheduled for March 23, 2009, be continued for a period of sixty (60) days to allow the parties time to finalize the terms of the Settlement Agreement and file a stipulated dismissal of the entire action.

III. MOTIONS

Currently also set for hearing before this Court on March 25, 2009 is River Watch's Motion for Entry of Default Judgment and accompanying Motion for Attorney Fees and Costs.

In view of the current status of this case, and the pending settlement, the parties request that said Motions be removed from the Court's calendar at this time. A Notice of Withdrawal of Motion is filed concurrently herewith.

DATED: March 18, 2009

/s/ Jack Silver

JACK SILVER

Attorney for Plaintiff

NORTHERN CALIFORNIA RIVER WATCH

[PROPOSED] CASE MANAGEMENT ORDER

It is hereby ORDERED that the Case Management Conference scheduled for March 23, 2009, be continued to Monday June 1st, 2009 at 4:00 p.m. in Courtroom G.

Plaintiff's Motion for Default Judgment and accompanying Motion for Attorney Fees and Costs are hereby removed from calendar.

DATED: March 18, 2009


HON. BERNARD J. ZIMMERMAN
U.S. DISTRICT COURT JUDGE